

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sin Santo Bad,

Civil No. 12-2886 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Tom Roy, Commissioner;
Michelle Smith, Warden; and
Michael Parks, Discipline Lt.,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated December 18, 2012. No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Jeffrey J. Keyes's December 18, 2012 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
2. Plaintiff's application for leave to proceed *in forma pauperis*, (Doc. No. [2]) is **DENIED**.

3. This action is summarily **DISMISSED** pursuant to 28 U.S.C.

§ 1915A(b)(1).

4. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the sum of \$345.01, in accordance with 28 U.S.C. § 1915(b)(2).

5. The dismissal of this action is counted as a “strike” against Plaintiff for purposes of 28 U.S.C. § 1915(g).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 15, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge